United Nations S/2006/387

Security Council

Distr.: General
13 June 2006

Original: English

Letter dated 8 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached sixth report from Hungary submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-38792 (E) 100706

Annex

Note verbale dated 6 June 2006 from the Permanent Mission of Hungary to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Hungary to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee and, with reference to the Chairman's letter dated 4 April 2006, has the honour to submit information concerning the measures taken by the Republic of Hungary to implement Security Council resolution 1624 (2005) (see enclosure).

Enclosure

Further report of Hungary to the Counter-Terrorism Committee on the implementation of Security Council resolution 1624 (2005)

The Republic of Hungary remains strongly committed to the implementation of all Security Council resolutions on combating international terrorism. The Government of Hungary adopted a comprehensive approach, targeting all major aspects of the suppression of international terrorism by way of legislative, executive and administrative actions. Concerted action of all Hungarian authorities and agencies to combat international terrorism makes full use of the relevant instruments of international law.

1.1

Section 261 of the Hungarian Criminal Code (Act 4 of 1978 on Criminal Code) regulates the acts of terrorism, mentioned in SC Resolution 1624 (2005) (hereinafter referred to as Resolution).

> "(1) Any person who commits a violent crime against one of the persons referred to in Subsection (9) or commits a crime that endangers the public or involves the use of a firearm in order to:
>
> *a)* coerce a government agency, another state or an international body into doing, not doing or countenancing something;
> *b)* intimidate the general public;
> *c)* conspire to change or disrupt the constitutional, economic or social order of another state, or to disrupt the operation of an international organization;
>
> is guilty of a felony punishable by imprisonment between ten to fifteen years, or life imprisonment.
>
> (2) Any person who seizes considerable assets or property for the purpose defined in Paragraph a) and makes demands to government agencies or non-governmental organizations in exchange for refraining from harming or injuring said assets and property or for returning them shall be punishable according to Subsection (1).
>
> (3) The punishment of any person who:
>
> *a)* abandons commission of the criminal act defined under Subsections (1) and (2) before any grave consequences are able to materialize; and
> *b)* confesses his conduct to the authorities;
>
> in such a manner as to cooperate with the authorities to prevent or mitigate the consequences of such criminal act, apprehend other coactors, and prevent other criminal acts may be reduced without limitation.

(4) Any person engaged in plotting or making preparations for any of the criminal acts defined under Subsections (1) and (2) is guilty of a felony punishable by imprisonment between five to ten years.

(5) Any person who instigates, suggests, offers, joins or collaborates in the commission of any of the criminal acts defined under Subsections (1) and (2) in a terrorist group or any person who is involved in aiding and abetting such criminal conduct by providing any of the means intended for use in such activities or by providing or raising funds to finance the activities or support the terrorist group in any other form is guilty of a felony punishable by imprisonment between five to fifteen years.

(6) The perpetrator of a criminal act defined in Subsection (5) shall not be liable for prosecution if he confesses the act to the authorities before they become aware of it and reveals the circumstances of the criminal act.

(7) Any person threatening to commit the crimes specified in Subsections (1) and (2) is guilty of a felony punishable by imprisonment between two to eight years.

(8) Any person who has positive knowledge concerning plans for a terrorist act and fails to promptly report that to the authorities is guilty of a felony punishable by imprisonment for up to three years."

The Resolution calls upon all States to adopt such measures as may be necessary to prohibit by law incitement to commit a terrorist act or acts, or prevent such conduct. *Section 21 of the Criminal Code* complies with this obligation. The provisions of this Article are as follows:

"(1) Abettor is a person who intentionally persuades another person to commit a crime.

(2) Accomplice is a person who knowingly and voluntarily helps another person commit a crime.

(3) The sentence applicable to parties to a crime shall also be applied for conspirators."

The provisions of the Hungarian law comply with the obligations prescribed in the Resolution. Furthermore, the ratification of the *International Convention for the Suppression of Acts of Nuclear Terrorism*, and the *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime* and on the *Financing of Terrorism* is currently under consideration and should be finalized in the near future. Due to the implementation of the obligations prescribed in these conventions, further amendments of the legislation are necessary. For example, the right of information access of the Hungarian Financial Investigation Unit (FIU) will be extended, and the offence of acts of terrorism will also be amended in order to ensure the criminalization of financing a standalone terrorist.

The Muslim community in Hungary is relatively small and well integrated. There is no evidence of the presence of Al-Qaida or affiliated groups, but the presence of its sympathisers cannot be ruled out. There were no cases or terrorist events (terrorist attack, recruitment, or even incitement) reported in the last years, and there are no signs of the spreading of radical Islamist ideologies.

However, the Counter-Terrorism Co-ordination Committee, responsible for CT co-ordination at the operative level, has tightened the monitoring of groups possibly engaged in spreading Islamist ideology in Hungary. The Committee is chaired by the director general of the National Security Agency and includes the leaders of the security services, the police, border guards, and the Co-ordination Centre of Organised Crime. It holds meetings once a week, and is responsible for operational co-operation and sharing information among the different agencies. The Committee was set up after the attacks in Istanbul (2003).

1.2

Section 32 subsection (1) of Act 39 of 2001 on the entry and stay of foreigners provides the ground upon which a foreigner shall be expelled by the Office of Immigration and Nationality. If the whereabouts of the foreigner is unknown, or the foreigner is not in the territory of the Republic of Hungary, he/she shall be subject to a prohibition of entry and stay in the interest of protecting state sovereignty, national security, constitutional order and public security.

Such grounds are:

- the foreigner is engaged in activities jeopardizing the constitutional order or security of the Republic of Hungary, or is a member of an organization engaged in such activities;
- the foreigner is a suspected terrorist or member of a terrorist organization or group;
- the foreigner is subject to restriction of entry and stay as such restriction is enforced by the Republic of Hungary pursuant to its commitment under international law, or whose restriction of entry and stay is implemented by a decision of the European Union.

Under subsection (2) of the same section, the aliens police authority for aliens authority may, in its discretion, impose expulsion and/or prohibition of entry and stay on a foreigner, whose entry and stay may injure or jeopardize national or public security.

In each of the above cases, the competent law enforcement and national security agencies which have the most information on persons engaged in incitement to commit terrorist acts –also have the right to initiate the order of expulsion.

Expulsion may be ordered for a duration between one and ten years, while the maximum duration of a prohibition of entry and stay is five years, and it may be extended by a maximum of five more years each time.

If the foreigner has committed a criminal offence, and the court expels the alien from Hungary as a supplementary punishment, the Office of Immigration and Nationality executes the expulsion ordered by the court.

Human rights laid down in the Constitution and in international law must prevail during the procedure, for example when ordering expulsion, the aliens policing authority always observes the principle of non-refoulement.

The *Ministry of Foreign Affairs* of the Republic of Hungary has recently initiated the modification of Section 25/A of the above-mentioned Act in order to allow the imposition of restriction of entry and stay as an independent sanction on European Economic Area (EEA) nationals. The reason behind this modification is that according to the legislation in force, it is not possible to impose such sanctions on EEA nationals even if they belong to or are associated with the Al-Qaida organisation or the Taliban.

1.3

To prevent the entry of people accused of inciting terrorist acts, the *Hungarian Border Guards* fulfils its duties according to the relevant international law instruments, European Union recommendations and national directives, also, experiences in the field of countering international terrorism.

The Hungarian Border Guards introduced enhanced control in case of citizens coming from countries of risk to national security. The control includes checking of travel document, visa, conditions of entry and search for weapons, ammunition, explosive materials, as well as controlling the origin of the Hungarian destination.

To clear up the aim of staying in Hungary, the compulsory investigation, which has to be made during the questioning of people, is already published.

If there is an assumption of posing a threat to internal security, or public order of the Republic of Hungary, the Hungarian Border Guards will refuse the entry into the territory of the country. If the persons trying to enter to the territory of the country are on the list of wanted, they will be arrested by the border guard and will be handed over to the authority ordering the warrant of apprehension.

The Hungarian Border Guards co-operates with other Hungarian authorities controlling railway stations, the international passenger-, freight trains and airports.

The Hungarian Border Guards does not have investigative authority in the field of terrorism and related crimes, for this reason it forwards all relevant information to the Police and national security services which have competence. The Police and the national security services inform regularly the Hungarian Border Guards about new tendencies of terrorism and ask for its help to carry out certain tasks.

Permanent information exchange between the Hungarian Border Guards and the foreign partner organisations is ensured by the liaison officers of the Police and the International Criminal Co-operation Centre of the Police.

During the last few years, due to the fruitful co-operation in the field of human smuggling the trust of the partner organisations towards the Hungarian Border Guards in questions concerning terrorism improved significantly.

Important legislation determining the work of the Hungarian Border Guards are:

- Act 32 of 1997 on the Border Guards and border guarding;
- Act 39 of 2001 on the entry and residence of aliens;
- Government Regulation No. 2112/2004 of actual tasks of the fight against terrorism;
- MoI Order 29/2005 on the unified implementation of counter terrorism.

One of the main tasks of the *Hungarian Customs and Finance Guard* is the customs control of freight and passenger traffic crossing the state border and the prevention, detection and investigation of financial and other related crimes which are referred to its competency by the Act 19 of 1998 on the Criminal Procedure Code. The Hungarian Customs and Finance Guard has key responsibility in preventing import and export of unlicensed goods, investigating criminal acts, and in taking appropriate action, including the bringing of criminals to justice.

Hungary places emphasis on the idea of comprehensive enforcement co-operation in Europe, developing and maintaining appropriate and effective border control and law enforcement effort in order to detect, deter, prevent and combat criminal activities and irregularities. The co-operation would include international collaboration, when several foreign stakeholders' joint efforts are needed to counter illicit trafficking and brokering in such items in accordance with national legislation. Consistency with EU and relevant international legislation is also of high importance.

Significant rules of the *Schengen co-operation* became part of the Community legislation with the Amsterdam Convention on May 1 1999. Controlling traffic at internal borders has been lifted, while customs controls at external borders have been strengthened to EU standards. It is to be noted that Hungary – like other new Member States in the region – is only a *de iure* member of the Schengen Convention; *de facto* membership to the Schengen area is dependant on getting SIS II up and running, and also on the act of the Commission's resolution.

That is the reason why, in the course of the international fight against terrorism, the control method applied by the Border Zone Control Units is as follows:

- Control of persons, vehicles and consignments,
- Control of "Cabotage" transports,
- Control of internationally controlled products and technologies, like nuclear products and technologies, missile-technology products, products falling under the Agreement on the

prohibition of chemical weapons, coercive, criminal detective, and specific intelligence devices,

- Co-operation with the Border Guard and the Police in the fight against illegal migration and other associated infringements,
- Control of traffic of pyrotechnical devices,
- Control of traffic of firearms, ammunition, gas- and warning weapons, explosives, devices dangerous for the public security, sports weapons,
- Control of traffic of cultural objects,
- Prevent and detect the illicit traffic in human beings, human organs and tissues,
- Fulfilling the tasks and controls set up in the Act on money laundering and its prevention,
- Organization of and participation in joint actions with the Police, Border Guard, Traffic Supervision, Disaster-protection, State Public Health and Health-Officer Service, Tax and Financial Control Office, and the Consumer-protection Supervision.
- Blocking illegal traffic of narcotic drugs and psychotropic substances.
- Control and detection of legal and illegal trade in firearms, ammunition.
- Control duties carried out in relation to legal and illegal trade in excise products.

The implementation of the EU Council Directive 2004/82/EC (April 29 2004) on the obligation of carriers to communicate passenger's data is in its final stage in Hungary. According to Section 7 of the Directive, Member States shall take the necessary measures to comply with its regulations not later than September 5 2006. The draft of the national law, which adopts Directive 2004/82/EC is under administrative harmonization at the moment and will be discussed by the Parliament in 2006.

1.4

Hungary is actively participating in the program launched within the framework of the *Council of Europe* (CoE) focusing on intercultural and inter-religious dialogue. The Cultural Committee of the CoE had set up a working group – with Hungarian participation – with the main purpose of preparing the sessions of the Intercultural Forum (held once in every year) and editing the Manual of Good Practices for co-operation in the field of intercultural dialogue. As a CoE member state, Hungary is also participating in the drafting of a White Paper on integrated policies for the management of cultural diversity through intercultural dialogue and conflict prevention. In relation with this, Hungary is one of the countries that translated and published the text of the ministerial declaration on the issue (Opatija Declaration) and initiated the translation of the text to the commonly understood language of the Roma population in Europe, too. Hungary also participated in the follow-up events, for example in the Intercultural Fora (Sarajevo, Troina, Bucharest). The seminar for Serbian experts on the message of the Opatija Declaration, organized by Hungary, involving international lecturers, forms a part of the efforts for reconciliation process in the post-war Serbia.

In accordance with the Faro Declaration of the cultural ministers in the member states of the Council of Europe (2005), the program is continued in cooperation extended to the Anna Lindh Euro-mediterranean Foundation and the ALECSO (Arab League Educational, Cultural, and Scientific

Organization). A White Book is to be published by the Council of Europe, on the tasks and possibilities within the program "Intercultural and inter-religious dialogue".

The *European Union* declared that 2008 would be the Year of Intercultural Dialogue. Hungary continues activity in order to encourage events under the EU program within the country, as well as to promote to the coordination among the European organizations (EU, CoE, OSCE) and the regional organizations (e.g. the Central European Initiative) on the programs in 2008.

The *Oecumenical Council of Churches* in Hungary, as well as its member churches, continue their activities for mutual understanding among the religions, within the country and also at international level.

Hungary is also taking part in a series of international conferences called *"Europe for intercultural dialogue"*. In November 2005, Budapest actually hosted this conference. The main topics of these consultations are: the enhancement of dialogue between cultures, with special attention to the Euro-Mediterranean context, and the questions of cultural dialogue between the EU and Latin-American/Caribbean Area.

As a neighboring country Hungary has always been and continues to be particularly interested in strengthening the stability of South-Eastern Europe. From the beginning of the 1990s, Hungary welcomed more than fifty thousand refugees fleeing the armed conflicts. The population showed solidarity with all those, who had to leave their homes due to humanitarian, economic, ethnic or religious crisis. At the same time the enlargement of the EU and of NATO provides new conditions and possibilities for frameworks of regional cooperation and the enhancement of cultural dialogue. Hungary wishes to play an initiating role in helping to promote the adaptation to the new situation, and helping to contribute to the dialogue among civilizations in this region, too.

1.5

The Ministry of Cultural Heritage, in co-operation with the *Ministry of Defense* and the *Ministry of Interior*, regularly refreshes the security systems referring to institutions of cultural heritage (museums, libraries, archives) and historical monuments. These systems are valid equally to secular and religious institutions and buildings, as the latter ones are looked upon as integral parts of the cultural heritage of Hungary.

Special security measures apply to the office building of the Association of Jewish Communities in Hungary, built in the same block with the Main Synagogue, the Jewish Museum and the Rabbi Training College in Budapest.

The basic document regulating the content of public education in Hungary is the *National Core Curriculum* (NCC), which, in several places, highlights the importance of educating for tolerance. Among others, NCC states the followings:

"The spirit of the NCC is governed by the Hungarian constitution, the Public Education Act, and international and Hungarian decrees on human rights, children's rights, the rights of national and ethnic minorities, and the equality of women and men. The cornerstones of this scale of values are democracy, humanism, respect for and development of individuality, building up co-operation between the fundamental communities (family, native country, Europe, the world), gender equality, solidarity and tolerance."

"In line with the above, the document pays heed to the common global problems humanity faces. With regard to overall issues that are of global concern, it stresses the responsibility, opportunities and duties of individuals, the state and society in resolving these issues and in abating the threats mankind as well as individual communities are confronted with. The NCC serves to foster openness towards and understanding of diverse cultures. It teaches to learn and respect other peoples' traditions, culture, customs, and lifestyle."

Priority development tasks include the following: "Students should get acquainted with the most significant and influential achievements of universal human civilisation. They should become open and sympathetic to different customs, lifestyles, cultures, religions, and dissimilarity." "The conscious and educationally planned development of social and societal competence is indispensable for an efficient social integration of students, for coexistence and participation. Enhancement of areas related to assistance, co-operation, leadership, and competition is a priority task in developing social competence. Concurrently, the scope of socio-civil competence must also be defined, namely, the issue is the education of students who assert their rights and play an active and contributing role in public life."

Development tasks within the "man and society" cultural domain include: "teaching students to respect personality, individuality and human rights, strengthening national identity, historical and civil consciousness, social sensitivity, openness to social problems relevant to one's age, responsibility towards the environment, acquaintance with and acceptance of other cultures, development of a humane attitude that protects values, acquisition of knowledge and skills necessary for the use of democratic institutions." Students can seek the answer to questions such as: "How can different cultures, religions, and peoples live together? What are the possibilities and barriers of intercultural communication?"

One of the tasks of Motion Picture and Media Studies is to educate young people so that they develop a conscious and critical approach to conflicts and solutions featured in the news and programmes.

1.6

Pursuant to the relevant law, the *National Security Office* is obliged to participate in the asylum procedure as an expert authority.

According to Section 23 subsection (1) of the Government Decree No. 172/2001 on the Detailed Rules of Asylum Procedures and Documents of Temporarily Protected Persons, the refugee authority shall contact the National Security Office immediately, but not later than 5 days following the interview of the applicant. The National Security Office may interview the applicant.

If the National Security Office takes exception to the recognition of the applicant, the refugee authority refuses the recognition of the foreigner as a refugee.

Pursuant to Section 4 subsection (4) of the Act 139 of 1997 on Asylum, the recognition of a foreigner as a refugee with respect to whom any of the reasons for exclusion defined in Section 1/D, E or F of the Geneva Convention, applies shall be refused. According to Section 1/F of the Geneva Convention „the provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

a. he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
b. he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
c. he has been guilty of acts contrary to the purposes and principles of the United Nations."

5 June 2006.

United Nations S/2006/387/Corr.1

Security Council

Distr.: General
31 July 2006

Original: English

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Corrigendum

The first sentence of the letter *should read*

The Counter-Terrorism Committee has received the attached report from Hungary submitted pursuant to resolution 1624 (2005).

06-45202 (E) 040806